

should be very rare and require a high standard of proof. I respectfully submit that these are policy decisions for the Legislature. . . . Thus, to construe the Parental Notification Act so narrowly as to eliminate bypasses, or to create hurdles that simply are not to be found in the words of the statute, would be an unconscionable act of judicial activism. As a judge, I hold the rights of parents to protect and guide the education, safety, health, and development of their children as one of the most important rights in our society. But I cannot rewrite the statute to make parental rights absolute, or virtually absolute, particularly when, as here, the Legislature has elected not to do so.

The chairman of the Judiciary Committee states that Justice Owen did not write the opinion that Justice Gonzales criticized. I fail to see how Senator HATCH can reach that conclusion. Justice Gonzales clearly refers to "the dissenting opinions"—plural—and Justice Owen wrote one of those dissenting opinions.

I trust that this resolves any dispute regarding this matter.

Mr. LEAHY. Madam President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. One minute and 40 seconds.

Mr. LEAHY. I yield back our time.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit:

Bill Frist, Orrin Hatch, Kay Bailey Hutchison, John Cornyn, Mitch McConnell, Jon Kyl, Wayne Allard, Sam Brownback, Jim Talent, Mike Crapo, Gordon Smith, Peter Fitzgerald, Jeff Sessions, Lindsey Graham, Lincoln Chafee, Saxby Chambliss.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Priscilla R. Owen, to be United States Circuit Judge for the Fifth Circuit, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 137 Ex.]

YEAS—52

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (NE)
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
Crapo	McConnell	
DeWine	Miller	

NAYS—44

Akaka	Dodd	Lautenberg
Baucus	Dorgan	Leahy
Bayh	Durbin	Levin
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Breaux	Harkin	Nelson (FL)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Schumer
Corzine	Kerry	Stabenow
Daschle	Kohl	Wyden
Dayton	Landrieu	

NOT VOTING—4

Graham (FL)	Lieberman
Inhofe	Sarbanes

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business between 11 a.m. and 12 noon, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Texas wishes to speak as in morning business. I ask unanimous consent that he be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

HONORING OUR ARMED FORCES

Mr. CORNYN. Mr. President, I rise this morning to offer a tribute to our men and women in uniform.

As we all know, President Bush will speak this evening to the Nation and mark the end of a major conflict in Iraq and acknowledge the heroism and sacrifice of our brave men and women in the Armed Forces. I know I speak for the people of my State of Texas and for all Americans when I give thanks that this operation has reached such a swift end, with so few coalition lives lost.

Over the April recess, I took the opportunity to visit most of the military bases in my home State, along with my distinguished colleague Senator HUTCHISON. One in 10 active duty military personnel call Texas their home. As a member of the Armed Services Committee, I am dedicated to looking after their interests and the interests of all of our military personnel.

We must ensure that the United States military continues to have the training, the equipment, and the facilities they need to remain the greatest fighting force the world has ever known, both in war and in peace. The military bases we have in Texas are some of the strongest components of our military readiness in the current war against terror, from Afghanistan to Iraq and across the world. We must use these valuable assets to maintain our status as the world's lone superpower, as we transform our military to face the challenges of the future.

Seeing our soldiers face to face reminds us that they are not just numbers or statistics. They are real Americans, true patriots, with real families. When someone leaves their home to fight for American interests abroad, it affects their entire community; it affects their friends and, most profoundly, it affects their families.

We must remember not just the sacrifices of the brave men and women who fight on the battlefield but the sacrifices of the families they leave behind. I remember, most poignantly, as the deployment was occurring from Camp Lejeune, on CNN a young mother with her child was saying goodbye to her husband, the father of that child. I will never forget the comments she made. She said: